



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUN - 6 2017

William C. Love, Jr.
P.O. Box 4870
Charlottesville, VA 22905

RE: MUR 7143

Dear Mr. Love:

The Federal Election Commission reviewed the allegations in your complaint received on September 27, 2016. On May 22, 2017, based upon the information provided in the complaint, and information provided by the respondents, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations and close its file in this matter. Accordingly, the Commission closed its file in this matter on May 22, 2017.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). A copy of the Factual and Legal Analysis is enclosed for your information.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson
Acting General Counsel

BY: Jeff S. Jordan
Assistant General Counsel
Complaints Examination and
Legal Administration

Enclosure
Factual and Legal Analysis

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MUR 7143

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² RAD's records confirm that the Committee contacted RAD concerning the state committee's payment of the Committee's website costs. Pursuant to RAD's Referral Policy, the low dollar amount would not have met a threshold for any further action (*i.e.*, neither an RFAI nor a referral to the Office of General Counsel or Office of Alternative Dispute Resolution).

1 Committee, following RAD's guidance, reimbursed the state committee for the website costs,
2 and disclosed the reimbursement on its next FEC report. (*See* Tom Garrett for Congress 2016
3 October Quarterly Report at 130). The state committee's Virginia state filings also report the
4 transaction.³

5 **B. Legal Analysis**

6 The Act prohibits federal candidates or an entity directly or indirectly established,
7 financed, maintained or controlled ("EFMC'd") by a candidate from receiving, directing,
8 transferring, or spending funds that fall outside "the limitations, prohibitions, and reporting
9 requirements" of the Act in connection with a federal election.⁴ The Committee admits that
10 nonfederal funds from Garrett's state committee were used to pay for expenses incurred in
11 connection with his federal election. Thus, the Committee accepted an impermissible in-kind
12 contribution from a state committee Garrett EFMC'd that maintained funds not subject to the
13 limitations, prohibitions, and reporting requirements of the Act. However, the Committee
14 contacted the Commission about a month before the complaint was filed and took swift remedial
15 action, reimbursing Garrett's state committee from the federal account, and reporting the
16 transaction on its next FEC report,

17 Accordingly, in furtherance of the Commission's priorities relative to other matters
18 pending on the Enforcement docket and and the small amount at issue, the Commission exercises
19 its prosecutorial discretion and dismisses the allegations pursuant to *Heckler v. Chaney*, 470 U.S.
20 821, 831-32 (1985).

³ See Garrett for Virginia Senate Campaign Finance Report, 07/01/2016 to 12/31/2016, available at <http://cfreports.sbe.virginia.gov/Report/ScheduleA/106986> (last visited March 29, 2017).

⁴ See 52 U.S.C. § 30125(e)(1)(A); 11 C.F.R. § 300.61. Commission regulations also prohibit federal candidates from transferring nonfederal campaign funds to a federal campaign committee. 11 C.F.R. § 110.3(d).